

BOROUGH OF LEONIA

Soil Moving Permit Application

(Pursuant to Leonia Code Chapter 290-57)

Applicants must submit:

1. One complete set of sealed plans.
2. Map of premises showing present and proposed contour lines, signed and sealed by a licensed Engineer or Architect.
3. Grades resulting from the intended movement or redistribution of soil in relation to the topography of the premises.
4. Application to be signed and sealed by a licensed Engineer or Architect verifying total cubic yards of soil to be moved.

Date: _____

Applicants' Name: _____ Phone: _____ E-Mail _____

Property Owner Name: _____ Phone: _____
(If other than the applicant)

Address: _____ Block: _____ Lot: _____

Number of cubic yards to be moved: _____

Square footage of area to be disturbed: _____

Reason for Movement: _____

Engineer/Architect signature and seal:

Name: _____ Address: _____

Signature: _____ Date: _____

Do not write below this line (For Borough Use)

Application Fee \$100.00 : _____ Escrow Fee \$500.00 : _____

Borough Engineer

Approved: _____

Denied: _____

Planning Board

Date: _____

Date: _____

Borough of Leonia, NJ
Tuesday, August 22, 2017

Chapter 290. Zoning

Article XIII. General Regulations

§ 290-57. Soil removal.

- A. Permit required. No person, firm or corporation shall do, cause or allow any of the following actions to occur on any land in the Borough, unless and until a soil permit shall first have been issued by the Borough Engineer:
- (1) The addition, removal or movement of more than 100 cubic yards of soil from or on any lot or change in its contour of greater than six inches.
 - (2) The moving of any soil on a lot where the activity results in a change in the lot contours which result in a change in the drainage characteristics of the lot to the extent that there is increased or decreased runoff to any abutting properties or private or public roads.
 - (3) The installation of retaining walls over two feet in height, swales, pools or ponds, headwalls or drainage facilities.
- B. Responsibility of landowner where other party causes removal. No owner of any land in the Borough shall permit any of the actions described in Subsection A to occur upon his property until the owner of the land has first obtained a soil moving permit.
- C. Application for permit. Any person, firm or corporation desiring to engage in any activities for which a permit is required shall, before commencing work, file a written application with the Borough Engineer on a form furnished by the Borough for a permit therefor, signed by the property owner, which application shall contain the following data:
- (1) Present contour lines and grades of the lots and lands; existing buildings, walls or other structures; trees over six inches in diameter; and existing property lines,
 - (2) Proposed contour lines and proposed contour grades resulting from the addition, removal or moving of soil on the lots and lands and in relation to the adjoining properties; proposed landscaping; proposed buildings, drainage structures, pools, utilities or other facilities.
 - (3) Grades of all abutting streets, lots and lands to the extent required by the Borough Engineer;
 - (4) Where soil is to be removed and stored on lands within the Borough, the applicant shall indicate the precise location where the soil shall be stored, the present contour lines and contour grades of the property on which this soil shall be stored, the total cubic yards intended to be stored, the length of time of storage, and any and all plans for soil erosion control when requested by the Borough Engineer;
 - (5) The Borough Engineer may waive or omit any of the requirements set forth herein or may require the submission of additional detail or data.
- D. Permitted importing or exporting of soils. No fill other than soil shall be permitted without the express authorization of the Borough Engineer. Stone, boulders, debris, stumps or similar materials are not permitted without the Borough Engineer's authorization. Where soil is being imported into the Borough, the applicant shall provide to the Borough Engineer a certification that the soil is free from any toxic waste, radioactive materials or other materials that would present health hazards or are prohibited from discharge

into the soil by the Department of Environmental Protection. If fill is required, the applicant shall further state the precise location from which the soil is being imported and, where required by the Borough Engineer, shall provide any requested analysis of the soil. If excess material is to be exported, the applicant shall provide the destination of the material and a signed acceptance by the property owner at the final point of disposal.

- E. Review by Planning Board or Board of Adjustment. In those instances where the Borough Engineer feels it is appropriate, he may refer any applications for soil movement to the Planning Board or Zoning Board of Adjustment for review and approval. In those instances where an application is pending before the Board of Adjustment pursuant to the Municipal Land Use Act, the Board of Adjustment shall have the same authority to hear and decide soil movement applications as the Planning Board pursuant to the authority granted in this section.
- F. Guiding factors in reviewing applications. In considering and reviewing the application and in issuing or denying the permit, the Borough Engineer shall be guided by the general purposes of municipal planning and shall take into consideration the following factors:
- (1) Soil erosion by water and wind;
 - (2) Surface water drainage;
 - (3) Soil fertility;
 - (4) Lateral support of abutting streets, lots and lands;
 - (5) Public health and safety;
 - (6) Land values and uses, including effect on surrounding properties, landscaping, etc.;
 - (7) Such other factors as may bear upon or relate to the coordinated, adjusted and harmonious physical development of the Borough with proper consideration of environmental and aesthetic effects;
 - (8) Water table;
 - (9) Streams, ponds, lakes and watercourses;
 - (10) Needed detention of stormwater runoff.
- G. Performance guarantee. Before any permit shall be issued the applicant shall file with the Mayor and Council of the Borough, a performance bond or its equivalent as required by the Borough Engineer with satisfactory surety, the amount to be set by the Borough Engineer. The bond shall be conditioned upon full and faithful performance by the principal within the time specified in the application of all the proposed work as set forth in the application and such additional work which may be found necessary by the Borough Engineer. In addition, the bond shall be conditioned upon the repair at the expense of the owner or applicant of any street or streets damaged by the transportation of soil in connection with the applications, if in the judgment of the Borough Engineer, such repairs are deemed to be necessary. The term "expense" as used in this section shall include the cost of supervision incurred by the Borough Engineer in connection with such repairs. The term "bond" may also include a cash deposit or approvable letter of credit.
- H. Top layer of soil not to be removed. The owner of the premises or the person in charge of the moving of soil, when permission has been duly granted, shall not take away the top layer of arable soil for a depth of six inches, but such top layer of arable soil to a depth of six inches shall be set aside for retention on the premises and shall be respread over the premises when the rest of the soil has been removed, pursuant to levels and contour lines approved by the Engineer. To the extent possible, 12 inches of arable soil shall be placed, conditioned, seeded and maintained until a suitable stand of grass is achieved.
- I. Performance of operations, prohibited time for work; records.
- (1) In the moving of soil, when permission has been duly granted, the owner or person in charge shall so conduct the operations that there shall be no sharp declivities, pits or depressions, and in such a manner that, upon completion, the area shall be properly leveled off, cleared of debris and graded and seeded to conform with the contour lines and grades as approved by the Borough Engineer.

- (2) No operation for which a permit has been issued pursuant to this section shall be conducted on Sundays. On any other day of the week, pursuant to validly issued permit, work shall be conducted between the hours of 9:00 a.m. and 8:00 p.m.
 - (3) When a permit for the moving of soil has been granted, the person, firm or corporation receiving such permit shall keep records as are necessary to show the quantities of soil moved, removed or added to land. The records shall be so maintained as to permit inspection and audit by the Borough Engineer.
- J. Inspections of work. The Construction Code Official, Borough Engineer, Mayor and/or any member of the Borough Council, Planning Board or Board of Adjustment shall have at all times the right to inspect any property where a permit has been issued under the provisions of this section for the purpose of insuring conformance to the permit requirements. In order to facilitate this right of inspection, the owners of the property shall cause sufficient grade and boundary stakes to be put in place while work is going on or about to commence. The Borough Engineer, Mayor, Borough Council, Planning Board and Board of Adjustment shall also have the right to inspect the property at anytime for the purpose of laying out roads, drainage or for any other purpose deemed in the best interests of the Borough.
- K. Filing and engineering deposits.
- (1) The applicant shall pay an application fee in the amount of \$100 to the Borough Clerk.
 - (2) The applicant shall make an escrow deposit in the amount of \$500 to the Borough Clerk. In the event of a complicated application, or where legal input is required, the Borough Engineer shall prescribe the escrow deposit to be made.
 - (3) Prior to the review of the soil moving permit application, the amount prescribed by the Borough Engineer must be paid.
 - (4) Moving more than the estimated number of cubic yards or failure to comply with permit conditions shall be considered a violation of this section.
 - (5) A separate soil moving permit is required for each site where soil is being removed from a site in the Borough and deposited on another site or sites.
 - (6) Upon approval of the application, an escrow deposit will be prescribed for inspection purposes.
 - (7) Any excess of escrow deposits over actual cost will be returned to the applicant.
- L. Possession of permit. At any and all times when soil is being removed or deposited upon a site in the Borough, the soil moving permit shall be in the possession of the person in charge of the operation of the site. In the event the soil moving permit is not in possession of the person and on the site, a summons may be issued and all work shall cease immediately.

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

Print or type
See Specific Instructions on page 2.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification; check only **one** of the following seven boxes:

☐ Individual/sole proprietor or single-member LLC ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____

Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.

☐ Other (see instructions) ▶ _____

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
Exempt payee code (if any) _____
Exemption from FATCA reporting code (if any) _____
(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.)

Requester's name and address (optional)

6 City, state, and ZIP code

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number										
				-			-			
or Employer identification number										
				-						

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign
Here

Signature of
U.S. person ▶

Date ▶

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.